

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID J. CUSHING	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	No. 16-0595
	:	
STUDENT LOAN MARKETING ASSOCIATION, et. al.,	:	
	:	
Defendants.	:	

MCHUGH, J.

OCTOBER 30, 2017

ORDER

This 30th day of October, 2017, upon consideration of Plaintiff's motion for preliminary injunctive relief in the form of a temporary restraining order or a preliminary injunction, it is hereby ordered that Plaintiff's motion is **DENIED**.

Plaintiff's Amended Complaint was previously dismissed with prejudice. Doc. No. 24. Plaintiff could have appealed this dismissal, but failed to do so. The Third Circuit ultimately dismissed this case for failure to timely prosecute. Third Circuit's Dismissal Order, Doc. No. 26. There is no case pending, and in any event the issues raised in the motion were resolved against Plaintiff by virtue of my order dismissing the case.

/s/ Gerald Austin McHugh
United States District Judge

